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FAX TRANSMISSION**DATE:** December 16, 2004**PTO IDENTIFIER:** Application Number 09/988853-Conf. #9384
Patent Number**Inventor:** John TELOH et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) 872-9306**FROM:** LAHIVE & COCKFIELD, LLP

Kevin J. Canning

PHONE: (617) 227-7400**Attorney Dkt. #:** SMQ-082CN1/P6396CNT**PAGES (Including Cover Sheet):** 6**CONTENTS:** Three Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page)
Notice of Appeal (1 page)
Fee Transmittal plus duplicate (2 pages)
Charge \$1,520.00 to deposit account 12-0080
Certificate of Transmission (1 page)

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LAHIVE & COCKFIELD, LLP
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PTO/SB/87 (05-04)
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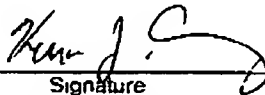
Application No. (if known): 09/988853

Attorney Docket No.: SMQ-082CN1

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on December 16, 2004
Date



Signature

Kevin J. Canning

Typed or printed name of person signing Certificate

35,470

Registration Number, if applicable

(617) 227-7400

Telephone Number

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Three Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page)

Fee Transmittal plus duplicate (2 pages)

Notice of Appeal (1 page)

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T-959 P 03/36 F-136

DEC 16 2004

PTO/SB/3: (09-02)
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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) SMQ-082CN1/P6396CNT	
In re Application of John TELOH <i>et al.</i>			
Application Number 09/988853-Conf. #9384		Filed November 19, 2001	
For STORAGE NETWORK DATA REPLICATOR			
Art Unit 2175		Examiner J. F. Beit	

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 500.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No 12-0080. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

☐ applicant /inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 35,470

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature
Kevin J. Canning
Typed or printed name
(617) 227-7400
Telephone number
December 16, 2004
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of 1 forms are submitted.

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306 at MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22315-1450, on the date shown below

Dated: December 16, 2004 Signature: Kevin J. Canning (Kevin J. Canning)

PTO/USB/17 (10-02)

Approved for use through 10/31/2002 OMB 0351-0032

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**FEE TRANSMITTAL
for FY 2003**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 1,520.00**Complete if Known**

Application Number	09/988853-Cont. #9384
Filing Date	November 19, 2001
First Named Inventor	John TELON
Examiner Name	J. F. Betit
Group Art Unit	2175
Attorney Docket No	SMQ-082CN1/P6396CNT

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ CREDIT CARD ☐ MONEY ORDER ☐ OTHER ☐ NONE
☒ Deposit Account

Deposit Account Number:

12-0080

Deposit Account Name:

Lahive & Cockfield, LLP

The Commissioner is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims			
Multiple Dependent			

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	Reissue independent claims over original patent	
1205	18	2205	9	Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

*or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1081	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	REQUESTING PUBLICATION OF SIR AFTER	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	1,020.00
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	500.00
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Sheet	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(a))	
1801	780	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)		1253		Extension for response within third month	1,020.00
		1401		Notice of appeal	500.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**SUBMITTED BY**

Name (Print/Type) Kevin J. Canning

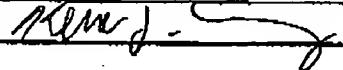
Registration No. (Attorney/Agent)

35,470

Compress (if applicable)

Telephone (617) 227-7400

Signature



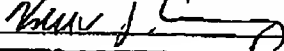
Date

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Dated: December 16, 2004

Signature



(Kevin J. Canning)

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Approved for use through 10/31/2002 OMB 0851-0032
P.O. 0851-0032

FEE TRANSMITTAL for FY 2003

Parent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)
1,520.00

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ CREDIT CARD ☐ MONEY ORDER ☐ OTHER ☐ NONE

☒ Deposit Account

Deposit Account Number

12-0080

Deposit Account Name

Lahive & Cockfield, LLP

The Commissioner is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-designated deposit account

FEE CALCULATION

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SUBTOTAL (2) (\$)

** or number previously paid, if greater. For Reissues, see above

Complete if Known

Application Number 09/988853-Conf #9384

Filing Date November 19, 2001

First Named Inventor John TELOH

Examiner Name J. F. Betit

Group Art Unit 2175

Attorney Docket No SMQ-082CN1/P6396CNT

FEE CALCULATION (continued)

3. ADDITIONAL FEES

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	1401			Notice of appeal	500.00

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type)	Registration No. (Attorney/Agent)	Complete (if applicable)
Kevin J. Canning	35,470	(617) 227-7400
Signature		Date
		December 16, 2004

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Dated: December 16, 2004

Signature: *Kevin J. Canning* (Kevin J. Canning)